

Description		
Date	09/25/2008	Location Board of Health
Time	Speaker	Note
6:40:11 AM		<i>Board Members</i> : Eric Bryson, Robin Cory, Berk Knighton, Laura Larsson, Brian Leland, Bill Murdock, Gretchen Rupp, Buck Taylor, Barbara Vaughn <i>Deputy County Attorney</i> : Chris Gray <i>Staff</i> : Craig Caes, Toni Lucker, Stephanie Nelson, Tim Roark <i>Public</i> : Tressa Ireland, Rebecca Pape, Laurie Bennett, William Anderson, Marlene Gallwitz, Scott Lowry, David Odt, Jeff & Arin St. Cyr, Harold Lindvig
7:03:11 AM		Meeting called to order
7:03:19 AM		Disclaimer for audio broadcasting
7:03:24 AM		Public Comment on a Non-Agenda Item
7:03:40 AM		Consent Agenda
7:04:03 AM	Motion	Buck made a motion to accept the consent agenda
7:04:07 AM	Second	Laura seconded the motion.
7:04:13 AM	Vote	The motion passed unanimously. <u>Roll Call</u> : Eric Bryson - yes Robin Cory - yes Berk Knighton - yes Laura Larsson - yes Brian Leland - yes Bill Murdock - yes Gretchen Rupp - yes Buck Taylor - yes Barbara Vaughn - yes
7:04:30 AM		Regular Agenda
7:04:38 AM		St. Cyr Variance Request 2008-002, 003 & 004
7:04:42 AM		Laura recused herself from the variance hearing and sat in the audience.
7:04:48 AM		Buck recused himself from the variance hearing due to personal knowledge and relationship with the applicant. He sat in the audience.
7:05:12 AM		Staff Report

7:05:19 AM	Tim Roark	Tim provided a synopsis of this variance request and provided staff recommendations. The variance was noticed in the Bozeman Chronicle on September 14 & September 24, 2008.
7:10:15 AM		Board discussion about flooding, level two treatment and monitoring of the system.
7:15:19 AM		Board asked Tim to give staff perspective regarding the request for the third variance, which is a request to continue using the holding tank for 18 months while the existing old structure was remodeled.
7:18:11 AM		Board discussion about the wastewater treatment system for the remodeled structure and the new barn.
7:20:47 AM		Comments by Petitioner
7:20:55 AM		Stephanie Nelson swore in the commenters.
7:21:47 AM		David Odt, Septech & site evaluator
7:21:54 AM		Jeff St. Cyr, landowner
7:22:07 AM	Chris Gray	The Deputy County Attorney ensured that the landowner and the site evaluator had reviewed the Gallatin City-County Health Department variance procedures and that the variance application was completed pursuant to those procedures.
7:22:59 AM	Dave Odt	Dave discussed with the Board the reason for the variance request and the owner's intention to comply with the variance paperwork.
7:27:12 AM	Eric Bryson	The Board asked the landowner if he agreed to the March 9th deadline to disconnect the holding tank?
7:27:40 AM	Jeff St. Cyr	Jeff responded yes.
7:27:52 AM		Board discussion continued regarding distance of the barn and the house to the river and a previous barn on the property.
7:29:01 AM		Board discussion and questions with the landowner and the Site Evaluator about remodeling the existing house, which must meet flood requirements.
7:34:58 AM		Board discussion regarding mixing zones and non-degradation requirements.
7:39:58 AM		Board questioned the landowner about what was known, prior to moving in, about the wastewater treatment system and about the property being in the floodway.
7:41:26 AM	Sean O'Callahan,	Sean responded to a question about the status of the floodplain map used for this area.

	Floodplain Administrator	
7:42:34 AM		Sean discussed why a floodplain permit was required for the proposed sandmound, why the barn could not be used as a residence and the need for a floodplain permit to remodel the existing house.
7:44:16 AM		Board discussion about enforcement regarding floodplain and health regulations.
7:46:18 AM		Sean responded to questions from the Board about enforcement capabilities and protection of the sandmound from a dynamic river system. Board discussion continued about the staff recommendation that requires a floodplain permit prior to a septic permit.
7:48:05 AM		Sean defined floodplain & floodway.
7:48:59 AM		Sean responded to questions from the Board about what the floodplain construction permit entails.
7:50:39 AM		Written Comments - none
7:50:51 AM		Public comment - none
7:51:30 AM		Staff comments
7:51:34 AM	Tim Roark	Tim referred the Board to staff recommendations, which includes the removal of the existing holding tank no later than March 1, 2009.
7:52:48 AM		Petitioner's Rebuttal Comments - none
7:53:02 AM		Questions from the Board
7:53:13 AM		Board discussion about the construction, maintenance and operation of the elevated sandmound, pressure dose system and level 2 treatment systems.
7:54:48 AM		Board discussion with the applicant about plumbing and sandmound saturation prevention.
7:59:54 AM		Closed the factual record
8:00:02 AM		Board deliberation and decision
8:00:21 AM		Chris Gray advised the Board to deliberate amongst themselves and proceed to a motion and findings based on the factual record.
8:00:31 AM		Bill Murdock commented he was in favor of voting for all three variances.
8:00:59 AM		Chris Gray advised that if a motion is made, the Board would proceed to discussion and findings based on the motion.

8:01:09 AM	Motion	Eric made a motion to approve variance requests, 2008-002, -003 & -004 with a condition on -004 that says <i>until March 1, 2009</i> , as outlined in staff recommendations.
8:01:35 AM	Second	Bill seconded the motion.
8:01:46 AM	Chris Gray	Asked Tim a few questions for the record to bolster the findings. Tim commented that the sandmound system is not an experimental system; the applicant has demonstrated that all alternatives, that would not require a variance, have been looked at; and the variance does not conflict with the requirement of ARM 17.36.914, the technical requirements necessary to install the system. Chris noted that the Board of Health has jurisdiction to hear this variance pursuant to state law.
8:03:30 AM	Findings	Board discussion about findings based on the testimony: Pursuant to GCCRWTS Variance procedure Section D (1)(a) the system that would be allowed by the variance is unlikely to cause pollution of state waters in violation of 75-5-605, MCA;
8:09:41 AM		1) Pursuant to GCCRWTS Variance proceduer Section D (2)(a)(i), the property owner did prove that special circumstances exist where strict compliance with GCCHD regulations will result in unnecessary hardship that is peculiar to the property owner's property or situation; and 2) Pursuant to variance procedure Section D (2)(a)(ii), the property owner did prove that special circumstances exist where strict compliance with GCCHD regulations will result in unnecessary hardship that is not caused by the property owner's action or inaction.
8:10:21 AM	Vote	The motion passed. <u>Roll Call</u> : Eric Bryson - yes Robin Cory - yes Berk Knighton - yes Laura Larsson - recused self & did not vote Brian Leland - no Bill Murdock - yes Gretchen Rupp - yes Buck Taylor - recused self & did not vote Barbara Vaughn - yes
8:10:43 AM		Bennett Variance Request 2008-005
8:10:56 AM		Berk recused self from the Bennett variance and sat in the

		audience.
8:11:41 AM		Staff Report
8:11:44 AM		Tim provided a synopsis of this variance request and provided staff recommendations. The variance was noticed in the Bozeman Chronicle on September 14 & September 24, 2008.
8:16:05 AM		The Board discussion with Chris Gray about deed restrictions and to what degree they can be overwritten or not.
8:17:22 AM		Comments by Petitioner
8:17:41 AM		Chris swore in the commenters: Rebecca Pape, Laurie Bennett, Bill Anderson, Marlena Galowitcz
8:18:19 AM	Bill Anderson, Anderson Engineering	Bill provided information on the role of his engineering company for the Bennett's and the associated groundwater monitoring wells and data.
8:28:16 AM		Board discussion with Bill about the proposed level 2 treatment system.
8:29:45 AM	Bill Anderson	Bill discussed the added monitoring well data for the 2008 season and the unusual weather event. He requested the Board accept the 2007 data that passed for 48 inches along with level 2 treatment that would protect public health and safety.
8:31:18 AM	Rebecca Pape	Rebecca addressed the deed restriction issue and discussed the reason why the 2007 monitoring data should be the basis for granting a septic permit to the Bennetts.
8:32:38 AM	Bill Anderson	Bill discussed the design and technical information about the proposed system.
8:34:53 AM		The Board asked questions about Middle Creek and flood irrigation on the property and the relevance of the deed restriction.
8:39:20 AM	Rebecca Pape	Rebecca discussed with the Board that the Bennett's would be willing to further deed restrict the property if the Board prefers a limitation on bedrooms and/or no guest quarters allowed.
8:39:56 AM		Board discussion continued with Laurie Bennett about what was known about the property before building on the property.
8:42:10 AM	Bill Anderson	Bill clarified that the proposed sandmound system will have an Avantex system ahead of it for the level 2 treatment.
8:42:46 AM		Board discussion with Bill about mixing zones.

8:46:58 AM	Chris Gray	Chris asked for clarification from Bill, who established that the Bennett's agreed to the condition of an elevated sandmound to resolve any groundwater issue.
8:47:55 AM		Writtten comments - none
8:48:30 AM		Public Comment - none
8:48:37 AM		Staff's comments
8:49:27 AM		Board discussion with Tim clarified that the level 2 treatment system was not part of the packet. Previous applications and site pictures made it clear but was not demonstrated in the Board packet.
8:50:15 AM		Stephanie asked Chris for clarification. The variance request would have to meet GCCHD wastewater treatment regulations, as condition number 1; therefore, when the proposal was submitted, it met the regulations and met the condition. To meet the condition, the applicant has to propose an elevated sandmound and a level 2 treatment system that would be legal under the GCCHD regulations.
8:51:57 AM		Board discussion with Tim for further clarification. An elevated sandmound satisfies the variance criteria, e.g., vertical separation from groundwater. The applicant offered to go over and beyond and proposed level 2 treatment in front of the elevated sandmound. Level 2 treatment is not necessary as demonstrated by the original permit and the non-degradation analysis.
8:54:32 AM		Closed factual record
8:54:43 AM	Motion	Eric made a motion to approve Variance Request 2008-005 with an additional provision in the staff recommendations to include level 2 treatment requirement.
8:55:07 AM	Second	Laura seconded the motion.
8:55:41 AM		Chris asked Tim some questions in order to get to the findings on this matter.
8:56:30 AM		Board discussion. Brian discussed his concerns with the system location and would not be voting for the variance.
8:57:25 AM	Barbara	Board discussion about the possible improvement of groundwater levels with the cessation of flood irrigation and the unnecessary hardship that would be imposed if the applicant was restricted from building the home and septic system.
8:58:34 AM	Eric	Board discussion continued with Eric stating his motion was

		intended to create the 48 inches of separation by requiring the applicant to add 2-feet of raised elevation. He disregarded the applicant's testimony about whether they think the Board should only look at the 2007 data or not. This application with the variance requirement the Board added gives the applicant the 48 inches of separation.
8:59:48 AM	Gretchen	Board discussion about the hydrologic data.
9:01:58 AM	Vote	<p>The motion passed.</p> <p><u>Roll Call</u> :</p> <p>Eric Bryson - yes Robin Cory - yes Berk Knighton - recused self Laura Larsson - yes Brian Leland - opposed Bill Murdock - yes Gretchen Rupp - yes Buck Taylor - yes Barbara Vaughn - yes</p>
9:02:39 AM		Stephanie reminded the Board about the October 9th retreat where the Health Code rewrite process is to be discussed, and Chris' training for the Board on Monday, September 29th.
9:04:31 AM		meeting adjourned

Secretary

Date

Chair

Date